

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BOBBY JOE JOHNSON, JR.,

Plaintiff,

V.

DAN PACHOLKE, *et al.*,

Defendants.

Case No. C08-5426BHS

ORDER DENYING MOTION TO APPOINT COUNSEL

The Court, having reviewed Plaintiff's request for appointment of counsel, (Dkt. #18), the pleadings filed in support and in opposition thereto, and the balance of the record, does hereby find and

ORDER:

(1) There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.

Although the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it appears that this case does not involve exceptional circumstances which warrant appointment of counsel.

Accordingly, Plaintiff's Motion to Appoint Counsel is **DENIED**.

DATED this 5th day of January, 2009.

/s/ J. Kelley Arnold

J. Kelley Arnold

United States Magistrate Judge